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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,**

4th FLOOR, IMDADGHAR WAQF, OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.09 / EG / 2014 / Z-V.

Date: 20-12-2022.

DR. B.R. AMBEDKAR KONASEEMA DISTRICT (ERSTWHILE EAST GODAVARI DISTRICT) - MAMIDIKUDURU MANDAL - MOULA ALI PANJA AND SHAHI MOSQUE SHIA AT NAGARAM VILLAGE - Sri KALBE ABID MAZINDARANI AND Sri A.H.H. MAZINDARANI ARE RECOGNIZED AS MUTAWALLIES U/Sec.42 OF THE WAQF ACT, 1995.

Read : 1. Board's Proceedings No., dated:15-11-2018 &18-02-2019.

2. Joint representation of Sri.Kalbe Abid Mazindarani, S/o. Kalbe Hussain Mazindarani and 2.Sri. A.H.H. Mazindarani, S/o. Mirza Mohd Taher Mazindarani , dated:07-06-2022.

3. This office memo, dated:05-07-2022.

4. Report of the I.A.Waqfs, Dr. BR Ambedkar Konaseema District, vide Lr.No.14/EG/97, dated:19-07-2022.

5. This office paper notification dated:10-11-2022.

6. Report of the I.A.Waqfs, Dr. BR Ambedkar Konaseema District, vide Lr.No.14/EG/97, dated:29-11-2022 along with paper notification publication in Eenadu Telugu daily District edition , Dated.23-08-2022.

7. Orders of the Hon'ble Chairperson, APSWB, dated:02-12-2022.

8. Board's Resolution No.578 of 2022, dated:08-12-2022.

9. Orders of the Hon'ble Chairperson, APSWB, dated.17-12-2022.

ORDER:

The Waqf institutions namely Moula Ali Panja & Shahi Mosque Shia situated at Nagaram Village, Mamidikuduru Mandal, East Godavari District are notified Waqf and got published in A.P.Gazette No.48, dated:26-11-1964 at Serial No.14. The said institution is having attached lands at Nagaram in TD.No.2472 covered in Sy.No.10, 26/3, 2, 21, 29 and 166 to an extent of Ac.17.50 cents, under the Towliath of 1. Mirza Gulam Hussain, 2. Mirza Mohd Taher. The Rule of succession to the office of the Mutawalli specified as Hereditary.

In the ref. 1st read above, the Board has appointed to Sri.Kalbe Abid Mazindarani, S/o. Kalbe Hussain Mazindarani and Sri. A.H.H. Mazindarani, S/o. Mirza Mohd Taher Mazindarani as Mutawallies to the subject Waqf institution under section 63 of Waqf Act, 1995 for period of two (2) years and the period was expired on 14-11-2020.

In the ref. 2nd read above, Sri.Kalbe Abid Mazindarani, S/o. Kalbe Hussain Mazindarani and Sri. A.H.H. Mazindarani, S/o. Mirza Mohd Taher Mazindarani are submitted joint representation and informed that they are legal heirs of notified Mutawalli and paying Waqf fund to Board regularly and to recognize them as Mutawallies to the subject Waqf institution. For further course of action this office has called detailed report along with connected documents from the I.A Waqfs, Dr.BR Ambedkar Konaseema District vide ref. 3rd read above.

In the ref. 4th read above the Inspector Auditor Waqfs, Dr.BR Ambedkar Konaseema District has submitted his report, wherein he has informed that the Gazette notified Mutawallies Mirza Gulam Hussain Mazindarani expired on 27-01-1960 and Mirza Mohd. Taher Mazindarani expired on 14-01-1984 one Sri.Kalbe Hussain Mazindarani, S/o. Mirza Gulam Hussain Mazindarani has managed the affairs of the subject institution from 1960 to 2003 and expired on 09-06-2003. After that the applicant Sri.Kalbe Abid Mazindarani, S/o. Kalbe Hussain Mazindarani is managing the affairs of subject institutions and conducting all ceremonies without any compliant. Further the I.A Waqfs, has reported that Sri Kalbe Abid Mazindarani belongs to branch of late Mirza Gulam Hussain and Sri.A.H.H.Mazindarani belongs to branch of late Mirza Mohd. Taher and there are no Court cases pending and also no encroachment in the subject lands and the applicants are paying Waqf fund an amount of Rs.14,000/- for the year 2022-2023. Finally the I.A Waqfs, Dr. BR Ambedkar Konaseema District has requested to consider the representation and to recognize them as Mutawallies to the subject institutions as per Rules and regulations under Waqf Act, 1995.

As the further course of action, this office has issued paper notification vide ref. 5th read above, for calling claims and objections if any for recognition of Sri.Kalbe Abid Mazindarani, S/o. Kalbe Hussain Mazindarani and Sri.A.H.H.Mazindarani, S/o. Mirza Mohd Taher Mazindarani as Mutawallies U/sec.42 of Waqf Act, 1995 to the subject Waqf institution and its attached properties may file their claims and objection within a period of (15) days from the date of Publication of this Notification.

The Inspector Auditor Waqf, Dr.BR Ambedkar Konaseema District has submitted his report vide ref.6th read above, that the above said paper notification was published in Eenadu Telugu daily District edition of Amalapuramu on 14-11-2022 and there are no claims & objections received against the said notification.

The matter has been placed before the Hon'ble Chairperson, who after carefully examine and passed orders to place the matter before the Board vide ref.7th read above.

The subject matter was placed before the Board and the Board has passed resolution No.578 of 2022, dated.08-12-2022 vide ref.8th read above to recognize Sri.Kalbe Abid Mazindarani and Sri.A.H.H.Mazindarani as Mutawallies U/sec.42 of Waqf Act, 1995 for Moula Ali Panja and Shahi Mosque Shia at Nagaram Village, Mamidikur Mandal, Dr.BR Ambedkar Konaseema District (Erstwhile East Godavari District).

Accordingly, Sri.Kalbe Abid Mazindarani and Sri.A.H.H.Mazindarani are hereby recognized as Mutawallies U/sec.42 of Waqf Act, 1995 for Moula Ali Panja and Shahi Mosque Shia at Nagaram Village, Mamidikuduru Mandal, Dr.BR Ambedkar Konaseema District (Erstwhile East Godavari District) for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec.61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.

- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To

1.Sri.Kalbe Abid Mazindarani, S/o. Kalbe Hussain Mazindarani
2.Sri.A.H.H.Mazindarani, S/o. Mirza Mohd Taher Mazindarani
Mutawalli of Moula Ali Panja and Shahi Mosque Shia,
Nagaram Village, Mamidikuduru Mandal,
Dr.BR Ambedkar Konaseema District

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